

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Nasir-Uddin Qureshi,

Plaintiff,

Case No. 04-71810

v.

Hon. Nancy G. Edmunds

R.J. Reynolds Tobacco Co., et. al.,

Defendants.

ORDER ACCEPTING IN PART AND DENYING IN PART MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION [83]

This matter has come before the Court on the Magistrate Judge's Report and Recommendation [83], dated July 7, 2006. Being fully advised in the premises and having reviewed the record and the pleadings, including the Report and Recommendation and any objections thereto, the Court hereby ACCEPTS IN PART AND DENIES IN PART the Magistrate Judge's Report and Recommendation.

As to the recommendation that Plaintiff's Rule 56(e) motion be denied, the Magistrate Judge's Report and Recommendation is ACCEPTED AND ADOPTED.

As to the recommendation that Plaintiff's request to amend Complaint II, as to Defendants Susan Ivey, Lynn Beasley, Dianne Neal, Lucinda Sheer and Christopher Pendy, be granted, the Magistrate Judge's Report and Recommendation is ACCEPTED AND ADOPTED. In light of this pro se Plaintiff's repeated requests to amend, however, future requests to amend shall not be granted unless Plaintiff attaches a copy of his proposed amended complaint thus allowing Defendants and the Court to determine, as required under Rule 15(a), whether the request should be denied as futile.

As to the recommendation that Defendants Susan Ivey, Lynn Beasley, Dianne Neal, Lucinda Sheer and Christopher Pendy's Rule 12(b)(6) motion be granted is REJECTED. Plaintiff did file and

serve an Amended Complaint II against these Defendants on or before July 31, 2006, thus rendering Defendants' motion moot.

Accordingly, it is hereby ORDERED that (1) Plaintiff's Request to Amend Complaint II is GRANTED as to Defendants Susan Ivey, Lynn Beasley, Dianne Neal, Lucinda Sheer and Christopher Pendy; (2) Defendants Ivey, Beasley, Neal, Sheer and Pendy's Motion to Dismiss Action against them Pursuant to Fed. R. Civ. P 12(b)(6) is DENIED; and (3) Plaintiff's Motion pursuant to Fed. R. Civ. P. 56(e) is DENIED.

s/Nancy G. Edmunds

Nancy G. Edmunds
United States District Judge

Dated: August 4, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 4, 2006, by electronic and/or ordinary mail.

s/Carol A. Hemeyer

Case Manager